

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEGRA NETWORK LLC and ALLEGRA
HOLDINGS LLC,

Plaintiffs,

Case No. 11-13087

v.

Honorable Nancy G. Edmunds

J. MICHAEL CORMACK and SHERRIE L.
CORMACK,

Defendants.

/

**OPINION AND ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND ORDERING PLAINTIFFS AND
DEFENDANTS TO APPEAR ON WEDNESDAY, JANUARY 23, 2013 [49]**

This matter comes before the Court on the magistrate judge's November 2, 2012 report and recommendation on Plaintiffs Allegra Network LLC and Allegra Holdings LLC's motion to hold Defendants J. Michael and Sherrie L. Cormack in contempt for violating the Court's August 20, 2012 order granting Plaintiffs' request for a preliminary injunction.¹ (Dkt. 49.) The magistrate judge recommended finding that Plaintiffs had shown by clear and convincing evidence that Defendants have violated and are violating the Court's August 20, 2012 order. (*Id.*) The magistrate judge then recommended that the Court set a date for hearing and order the parties to appear, with accompanying

¹For a complete background of this case, see the Court's August 20, 2012 Preliminary Injunction order. (Dkt. 42.)

sanctions if Defendants cannot show that they are complying with the Court's August 20, 2012 order. (*Id.*)

Defendants responded to the magistrate judge's report and recommendation. (Dkt. 50.) In the response, Defendant Michael Cormack stated that he and his wife sold their interest to Lisa Luhrs on September 1, 2012 and that she moved out of the 659 East Apply Road location. (*Id.*) He further stated that the Appleby location is empty, save for a Curves store, and is currently up for sale. (*Id.*) Defendant Michael Cormak added that he and his wife were going to attempt to settle the financial issues with Plaintiffs in the future, and if they fail to settle, they would be filing for bankruptcy. (*Id.*) Defendant Michael Cormack requested that the Court not hold his wife in contempt, for she only signed the documents with Plaintiffs and never had anything to do with Hog Country Media. (*Id.*) He concluded by stating that he has significant health issues from diabetes and that he and his wife have no financial resources. (*Id.*)

Plaintiffs have replied to Defendants' response. (Dkt. 52.) With that 'reply,' Plaintiffs have submitted additional evidence showing that Defendants may still be operating or have an interest in Hog Country Media at Appleby Road. Plaintiffs also allege that, even if Defendants have moved their business three miles away, from the Appleby Road location, as they stated they have, operating out of that new location still violates the Court's August 20, 2012 order.

The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation and ORDERS the parties to appear for hearing on contempt sanctions on January 23, 2013 at 2:00 p.m. The Court further ORDERS the parties to submit any additional evidence that they want the Court to consider during the hearing by January

14, 2013.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds

United States District Judge

Dated: December 17, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 17, 2012, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager